



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 6] नई दिल्ली, सोमवार, अप्रैल 4, 1977/चैत्र 14, 1899

No. 6] NEW DELHI, MONDAY, APRIL 4, 1977/CHAITRA 14, 1899

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 4th April, 1977:—

BILL No 13 of 1977

A Bill to amend the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Act, 1977.

Short title and commencement.

(2) It shall be deemed to have come into force on the 3rd day of February, 1977.

2. In the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter referred to as the principal Act), in the long title, for the words “for laying petroleum pipelines”, the words “for laying pipelines for the transport of petroleum and minerals” shall be substituted.

Amendment of long title.

3. In section 1 of the principal Act, in sub-section (1), for the words “Petroleum Pipelines”, the words “Petroleum and Minerals Pipelines” shall be substituted.

Amendment of section 1.

4. In section 2 of the principal Act,—

Amendment of section 2.

(i) in clause (a), the following words shall be inserted at the end, namely:—

“and different persons or authorities may be authorised to perform all or any of the functions of the competent authority under this Act in the same area or different areas specified in the notification”;

(ii) after clause (b), the following clause shall be inserted, namely:—

“(ba) “minerals” have the meanings assigned to them in the Mines Act, 1952, and include mineral oils and stowing sand but do not include petroleum;”.

35 of 1952.

Amend-
ment of
section 3.

5. In section 3 of the principal Act, in sub-section (1), after the words “transport of petroleum”, the words “or any mineral” shall be inserted.

Amend-
ment of
section 4.

6. In section 4 of the principal Act, after the words “for transporting petroleum”, the words “or any mineral” shall be inserted.

Amend-
ment of
section 6.

7. In section 6 of the principal Act,—

(i) in sub-section (1),—

(a) for the words “submit a report accordingly to the Central Government”, the words, brackets and figures “either make a report in respect of the land described in the notification under sub-section (1) of section 3, or make different reports in respect of different parcels of such land, to the Central Government containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government” shall be substituted;

(b) after the words “the Central Government shall”, the words “, if satisfied that such land is required for laying any pipeline for the transport of petroleum or any mineral,” shall be inserted;

(c) the words, brackets and figures “and different declarations may be made from time to time in respect of different parcels of the land described in the notification issued under sub-section (1) of section 3, irrespective of whether one report or different reports have been made by the competent authority under this section” shall be inserted at the end;

(ii) in sub-section (2), for the words “in the land”, the words “in the land specified therein” shall be substituted;

(iii) in sub-section (3), for the words “no declaration under this section has been published”, the words “no declaration in respect of any parcel of land covered by that notification has been published under this section” shall be substituted;

(iv) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) No declaration in respect of any land covered by a notification issued under sub-section (1) of section 3, published after the commencement of the Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Act, 1977, shall be made after the expiry of three years from the date of such publication.”.

8. In section 7 of the principal Act, in sub-section (1),—**Amend-
ment of
section 7.**

(i) in clause (i), the word “and” at the end shall be omitted;

(ii) after clause (i), the following clause shall be inserted, namely:—

“(ia) for laying pipelines for the transport of petroleum, it shall be lawful for any person authorised by the Central Government or such State Government or corporation to use such land for laying pipelines for transporting any mineral and where the right of user in any land has so vested for laying pipelines for transporting any mineral, it shall be lawful for such person to use such land for laying pipelines for transporting petroleum or any other mineral; and”.

9. In section 9 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—**Amend-
ment of
section 9.**

“(3) Where the owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 6,—

(a) constructs any building or any other structure, or

(b) constructs or excavates any well, tank, reservoir or dam,
or

(c) plants any tree,

on that land, the Court of the District Judge within the local limits of whose jurisdiction such land is situate may, on an application made to it by the competent authority and after holding such inquiry as it may deem fit, cause the building, structure, reservoir, dam or tree to be removed or the well or tank to be filled up, and the costs of such removal or filling up shall be recoverable from such owner or occupier in the same manner as if the order for the recovery of such costs were a decree made by that Court”.

10 In section 17 of the principal Act,—**Amend-
ment of
section 17.**

(i) in sub-section (1), for the word “purposes”, the word “provisions” shall be substituted;

(ii) in sub-section (3), for the words “before the expiry of the session in which it is so laid or the successive sessions aforesaid”, the words “before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

11. (1) The Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Ordinance, 1977 is hereby repealed.**Repeal
and
saving.**

2 of 1977,

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962, was enacted to empower the Central Government to acquire the right of user in any land if it appears to that Government that it is necessary, in the public interest, to lay pipelines under such land for the transport of petroleum (which is defined to include natural gas and refinery gas) from one locality to another. When the legislation was enacted, petroleum (including natural gas and refinery gas) was the only commodity for which transportation through pipelines was contemplated. Technological advance has since made it possible to transport, in bulk, minerals (besides petroleum) through pipelines. It is therefore proposed to amend the Act to enable the acquisition of the right of user in land also for laying pipelines for the transport of minerals (besides petroleum) from one place to another.

2 The Act provides for punishment for the construction or excavation of any building or other structure, tank, well, reservoir or dam or for planting of any tree on any land, the right of user in relation to which has been acquired under the Act, but does not provide for the removal of such building, structure etc from the land. Accordingly the Bill seeks to empower the Court of the District Judge, within the local limits of whose jurisdiction such land is situated, to cause the building, structure, reservoir, dam or tree to be removed or the well or tank to be filled up.

3 The Bill also seeks to empower the competent authority to make different reports and further seeks to empower the Central Government to make different declarations acquiring the right of user in respect of different parcels of land.

4 Opportunity has been taken to empower the Central Government (a) to authorise different persons to perform all or any functions of the competent authority in the same area or in different areas, and (b) to modify the rule laying formula contained in sub-section (3) of section 17 with a view to bringing it into accord with the recommendation of the Committee on Subordinate Legislation.

NEW DELHI;
The 30th March, 1977,

BIJU PATNAIK.

FINANCIAL MEMORANDUM

Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962, as it now stands, provides for the acquisition of the right of user in land for the transportation of petroleum from one place to another. The Act is proposed to be amended by the Bill to provide for the acquisition of the right of user in land for the transportation of minerals also. For the present, the right of user in land is proposed to be exercised for the transport of minerals produced by the Kudremukh Iron Ore Company Ltd. Whenever there is any such proposal to acquire the right of user in land for the benefit of any State Government or corporation, an order will be made under sub-section (4) of section 6 for the vesting of the right of such user in the State Government or the corporation concerned, and on the issue of such order, the compensation payable for such acquisition will be payable by that State Government or the corporation, as the case may be. There will, therefore, be no net outgo from the Consolidated Fund of India.

2. The Act also provides for the appointment by the Central Government of a competent authority to hear objections against the proposal for the acquisition of right of user in land and for the determination of any compensation or damages payable in pursuance of the provisions of the Act. Sub-clause (1) of clause 4 of the Bill seeks to empower the Central Government to appoint more than one competent authorities. The expenditure on the competent authority and its staff in a financial year is likely to be of the order of rupees one lakh. There will be no other recurring or non-recurring expenditure from the Consolidated Fund of India if the Bill is enacted and brought into force.

MEMORANDUM REGARDING DELEGATED LEGISLATION

As a result of the amendment sought to be made in section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962, by clause 5 of the Bill, read with the existing provisions in sections 11 and 17 of the Act, it would be permissible for the Central Government to make rules to provide for places at which, and the manner in which, the substance of the notification declaring its intention to acquire the right of user in any land for laying pipelines for the transport of minerals may be published under sub-section (3) of section 3 and the time within which and the manner in which the amount of compensation may be deposited for such acquisition under sub-section (1) of section 11. These are matters of detail necessary for the effective administration of the provisions of the Act and it is hardly practicable to provide for them in the Bill itself.

2. Clause 10 of the Bill, besides making an amendment of a verbal nature in sub-section (1) of section 17 of the Act, seeks to amend sub-section (3) of that section to bring the rule laying formula into accord with the recommendation of the Committee on Subordinate Legislation.

3. The delegation of the legislative power is, therefore, of a normal character.

BILL NO. 14 OF 1977

A Bill further to amend the East Punjab Urban Rent Restriction Act, 1949, as in force in the Union territory of Chandigarh.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the East Punjab Urban Rent Restriction (Chandigarh Amendment) Act, 1977.

Short
title
and
com-
mence-
ment.

(2) It shall be deemed to have come into force on the 17th day of December, 1976.

2. In section 2 of the East Punjab Urban Rent Restriction Act, 1949, as in force in the Union territory of Chandigarh (hereinafter referred to as the principal Act), in clause (h), for the words "the Schedule to this Act", the words and figure "Schedule I to this Act" shall be substituted.

Amend-
ment of
section 2.

3. In section 13 of the principal Act,—

(a) in sub-section (3), the following *Explanation* shall be inserted at the end, namely:—

Amend-
ment of
section 13.

Explanation.—For the purposes of this sub-section, "residential building" includes a scheduled building.;

East
Punjab
Act III
of 1949.

(b) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) Where a landlord who, having evicted any tenant from a residential or a scheduled building in pursuance of an order made under section 13A,—

(a) does not occupy it, or

(b) within a period of three years from the date of such eviction of the tenant, lets out, without obtaining the written permission of the Controller for so doing, the whole or any part of such residential or scheduled building, to any person other than the tenant evicted from it,

the evicted tenant may apply to the Controller for an order directing that the possession of such residential or scheduled building or, as the case may be, part thereof, shall be restored to him and the Controller shall make an order accordingly.”.

4. After section 13 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
13A.
Right to
recover
imme-
diate
possession of
residential or
scheduled building to
accrue
to certain
persons.

“13A. (1) Where a landlord who, being a person in occupation of any residential building allotted to him by the Central Government or any local authority, is required by, or in pursuance of, any general or special order made by that Government or authority, to vacate such residential building, or in default, to incur certain obligations, on the ground that he owns, in the Union territory of Chandigarh, a residential or a scheduled building either in his own name or in the name of his wife or dependent child, there shall accrue, on and from the date of such order, to such landlord, notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether express or implied), custom or usage to the contrary, a right to recover immediately the possession of any residential or scheduled building let out by him:

Provided that nothing in this section shall be construed as conferring a right on a landlord owning, in the Union territory of Chandigarh, two or more residential or scheduled buildings, whether in his own name or in the name of his wife or dependent child, to recover the possession of more than one residential or scheduled building and it shall be lawful for such landlord to indicate the residential or scheduled building, possession of which he intends to recover:

Provided further that where any residential or scheduled building contains more than one residential unit, nothing in this section shall be construed as conferring a right on the landlord to recover possession of more than such number of residential units as are sufficient for his own use and occupation, and for this purpose, it shall be lawful for the landlord to indicate the residential unit or units, the possession of which he intends to recover.

(2) Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract, custom or usage to the contrary, where the landlord exercises the right of recovery conferred on him by sub-section (1), no compensa-

tion shall be payable by him to the tenant or any person claiming through or under him and no claim for such compensation shall be entertained by any court, tribunal or other authority:

Provided that where the landlord had received,—

(a) any rent in advance from the tenant, he shall, within a period of ninety days from the date of recovery of possession of the residential or scheduled building by him, refund to the tenant such amount as represents the rent payable for the unexpired portion of the contract, agreement or lease;

(b) any other payment, he shall, within the period aforesaid, refund to the tenant a sum which shall bear the same proportion to the total amount so received, as the unexpired portion of the contract or agreement or lease bears to the total period of contract or agreement or lease:

Provided further that, if any default is made in making any refund as aforesaid, the landlord shall be liable to pay simple interest at the rate of six per cent per annum on the amount which he has omitted or failed to refund.”.

5. After section 18 of the principal Act, the following sections shall be inserted, namely:—

“18A. Section 18B or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained elsewhere in this Act or in any other law for the time being in force.

18B. (1) Every application by a landlord for the recovery of possession of any residential or scheduled building on the ground specified in section 13A shall be dealt with in accordance with the procedure specified in this section.

(2) The Controller shall issue summons, in relation to every application referred to in sub-section (1), in the form specified in Schedule II to this Act.

(3) (a) The Controller shall, in addition to, and simultaneously with, the issue of summons for service on the tenant, also direct the summons to be served by registered post, acknowledgment due, addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and may, if the circumstances of the case so require, also direct the publication of the summons in a newspaper circulating in the locality in which the tenant is last known to have resided or carried on business or personally worked for gain.

(b) When an acknowledgment purporting to be signed by the tenant or his agent is received by the Controller or the registered article containing the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent had refused to take delivery of the registered article, the Controller may declare that there has been a valid service of summons.

Insertion
of new
sections
18A and
18B.

Section
18B
to have
over-
riding
effect.

Special
proce-
dure for
disposal
of appli-
cations
for
eviction
on the
ground
of bona
fide
require-
ment

(4) The tenant on whom the summons is duly served (whether in the ordinary way or by registered post) in the form specified in Schedule II to this Act shall not contest the prayer for eviction from the residential or scheduled building unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Controller as hereinafter provided; and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction on the ground aforesaid.

(5) The Controller shall give to the tenant leave to contest the application if the affidavit filed by the tenant discloses such facts as would disentitle the landlord from obtaining an order for the recovery of possession of the residential or scheduled building on the ground specified in section 13A.

(6) Where leave is granted to the tenant to contest the application, the Controller shall commence the hearing of the application as early as practicable.

(7) Notwithstanding anything contained in this Act, the Controller shall, while holding an inquiry in a proceeding to which this section applies, follow the practice and procedure of a Court of Small Causes including the recording of evidence.

(8) No appeal or second appeal shall lie against an order for the recovery of possession of any residential or scheduled building made by the Controller in accordance with the procedure specified in this section:

Provided that the High Court may, for the purpose of satisfying itself that an order made by the Controller under this section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit.

(9) Where no application has been made to the High Court for revision, the Controller may exercise the powers of review in accordance with the provisions of Order XLVII of the First Schedule to the Code of Civil Procedure, 1908.

5 of 1908.

(10) Save as otherwise provided in this section, the procedure for the disposal of an application for eviction on the ground specified in section 13A shall be the same as the procedure for the disposal of applications by Controllers.”.

Amend-
ment of
section 19.

6. In section 19 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) A landlord who, having evicted a tenant from a residential or a scheduled building in pursuance of an order made under section 13A, does not occupy it or lets it out in contravention of the provisions of sub-section (4A) of section 13, shall be punishable with imprisonment for a term which may extend to two years and with fine.”.

7. The existing Schedule to the principal Act shall be numbered as Schedule I thereof and, after the Schedule as so numbered, the following Schedule shall be added, namely:—

Addition
of
Schedule
II.

“SCHEDULE II

[See section 18B]

FORM OF SUMMONS IN A CASE WHERE RECOVERY OF POSSESSION OF RESIDENTIAL OR SCHEDULED BUILDING IS PRAYED FOR ON THE GROUND SPECIFIED IN SECTION 13A OF THE EAST PUNJAB URBAN RENT RESTRICTION ACT, 1949, AS IN FORCE IN THE UNION TERRITORY OF CHANDIGARH

To

[Name, description and place of residence of the tenant.]

WHEREAS Shri ————— has filed an application (a copy of which is annexed) for your eviction from (here insert the particulars of the residential or scheduled building) on the ground specified in section 13A of the East Punjab Urban Rent Restriction Act 1949, as in force in the Union territory of Chandigarh;

You are hereby summoned to appear before the Controller within fifteen days of the service hereof and to obtain the leave of the Controller to contest the application for eviction on the ground aforesaid; in default whereof, the applicant will be entitled at any time after the expiry of the said period of fifteen days to obtain an order for your eviction from the said residential or scheduled building.

Leave to appear and contest the application may be obtained on an application to the Controller supported by an affidavit as is referred to in sub-section (5) of section 18B of the said Act.

Given under my hand and seal.

This day of 19. .

Controller.”.

14 of 1976.

8. (1) The East Punjab Urban Rent Restriction (Chandigarh Amendment) Ordinance, 1976 is hereby repealed.

Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

In accordance with a recent decision of the Central Government, persons owning houses in Chandigarh were required to vacate, by the 20th January, 1977, Government accommodation allotted to them, falling which they were required to pay rent at an enhanced rate. In order to avoid hardship to such persons, it was considered necessary to amend the East Punjab Urban Rent Restriction Act, 1949, as in force in the Union territory of Chandigarh, to give such persons the right to recover possession of their own houses immediately through a special procedure.

2. Under the aforesaid Act, residential buildings used by lawyers, architects, dentists, engineers, veterinary surgeons or medical practitioners for residential-cum-business purposes are categorised as "scheduled buildings". The tenants of such buildings are protected from eviction even if the landlord requires it for *bona fide* personal use. This anomalous position was creating hardship to landlords. It was, therefore, considered necessary to amend the Act so that the landlord of a scheduled building becomes entitled to recover such building for *bona fide* personal use. Since Parliament was not in session and was also not likely to come into session before 20th January, 1977, the aforesaid amendments were made by an Ordinance promulgated by the President on 17th December, 1976.

3. This Bill seeks to replace the Ordinance.

NEW DELHI;
The 31st March, 1977.

CHARAN SINGH.

BILL NO. 15 OF 1977

A Bill to repeal the Prevention of Publication of Objectionable Matter Act, 1976.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Prevention of Publication of Objectionable Matter (Repeal) Act, 1977.

Short
title.

2. The Prevention of Publication of Objectionable Matter Act, 1976, is hereby repealed.

Repeal
of Act 27
of 1976.

STATEMENT OF OBJECTS AND REASONS

Freedom of the press is necessary for the successful functioning of democratic institutions. With a view to safeguarding the freedom of the press, this Bill seeks to repeal the Prevention of Publication of Objectionable Matter Act, 1976.

NEW DELHI;
The 31st March, 1977.

L. K. ADVANI.

BILL NO. 16 OF 1977

A Bill to protect the publication of reports of proceedings of Parliament.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Parliamentary Proceedings (Protection of Publication) Act, 1977.

Short title, extent and commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 25th day of March, 1977.

2. In this Act, "newspaper" means any printed periodical work containing public news or comments on public news, and includes a news-agency supplying material for publication in a newspaper.

Definition.

3. (1) Save as otherwise provided in sub-section (2), no person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament, unless the publication is proved to have been made with malice.

Publication of reports of Parliamentary proceedings privileged.

(2) Nothing in sub-section (1) shall be construed as protecting the publication of any matter, the publication of which is not for the public good.

4. This Act shall apply in relation to reports or matters broadcast by means of wireless telegraphy as part of any programme or service provided by means of a broadcasting station situate within the territories to which this Act extends as it applies in relation to reports or matters published in a newspaper.

Act also to apply to Parliamentary proceedings broadcast by wireless telegraphy.

STATEMENT OF OBJECTS AND REASONS

The basis of a democratic Government is the opinion of the people. It is, therefore, of paramount importance that proceedings in Parliament shall be communicated to the public. For this purpose, newspapers and other mass publicity media should be afforded the privilege of publishing substantially true reports of proceedings in Parliament without being exposed to any civil or criminal action. The press and other publicity media were deprived of this privilege during the Emergency when the Parliamentary Proceedings (Protection of Publication) Act, 1956, was repealed. It is now proposed to restore this privilege. Hence this Bill.

2. The provisions of the Bill are on the same lines as the provisions of the Parliamentary Proceedings (Protection of Publication) Act, 1956.

NEW DELHI;
The 31st March, 1977.

L. K. ADVANI.

S L. SHAKDHER,
Secretary-General